

STAFF REPORT:
**A CITY OF DRIGGS AREA OF CITY IMPACT ZONING MAP AMENDMENT REQUEST FOR
LOTS 5B AND 6B OF THE WINKLER SUBDIVISION**

Prepared May 31 for the June 14, 2012 Public Hearing of the Board of County Commissioners

LANDOWNER: Frank D. Winkler Revocable Trust

APPLICANT: Jorgensen Associates, P.C.

AGENT: Daryl Johnson

LOCATION: Sweetwater Subdivision Phase 1, amended to be the Frank Winkler Subdivision, Lot 5B and Lot 6B

ADDRESS: Lot 5 is 663 Teton Vista Drive; Lot 6 is 755 Teton Vista Drive

REQUEST: Pursuant to the Driggs Zoning Ordinance, two separate lots within the Frank Winkler Subdivision (formerly Sweetwater Subdivision Phase I) would be rezoned from residential zoning to manufacturing zoning. Lots 5B and 6B (“hangar lots”) would be rezoned to M-1 and the residential Lots 5A and 6A would remain in the ADR-1 zoning. A map of the area to be rezoned is included in the City of Driggs application materials.

PROJECT DESCRIPTION: The rezoning is in response to Federal Aviation Administration rules prohibiting direct runway access from lots zoned residential or with residences on the lots. The proposed M-1 zoning on the southern lots would allow the development of hangars while the two northern lots would remain residential and could have homes built on them as the original subdivision was designed. The Airport would require a physical separation fence between the two lots in accordance with the appurtenant FAA regulations.

PRESENT ZONING: (City of Driggs Zoning) ADR-1 One Acre Average Density Residential

PROPOSED ZONING: Lots 5B and 6B (“hangar lots”) would be rezoned to M-1,

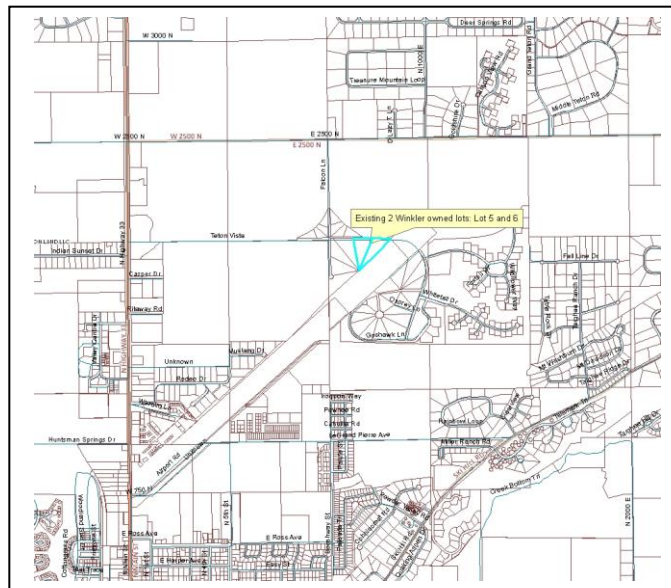
The Manufacturing- zone allows Airport Land Uses, including hangars

EXISTING PARCEL SIZES: Lot 5 = 5.0 acres Lot 6 = 5.0 acres

Proposed Lot Sizes: Lot 5B = 1.32 acres Lot 6B = 0.79 acres

APPLICABLE CODES: The Driggs Area of City Impact Ordinance that applies to this application is the Area of City Impact Ordinance of March 24, 2004. This application’s submission pre-dates the new Area of City Impact Agreement between the County and Driggs that was approved September 15, 2011.

VICINITY MAP



DRIGGS CITY COUNCIL ACTION: On March 6, 2012, after receiving a recommendation to approve the rezoning request for the Winkler Subdivision area from the Driggs City Planning & Zoning Commission, the Driggs City Council reviewed the proposal and recommended APPROVAL of the proposed rezoning. The Driggs City Council Findings and Conclusions and the staff report and public hearing minutes are attached to this staff report.

Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512,

1. The Board of County Commission public hearing of June 14, 2012 -was duly noticed in the Teton Valley News.
2. A notification was sent via mail to surrounding property owners within a 300-foot buffer area
3. The property was posted in accordance with Idaho Code 67-6511 and 67-6509.
4. The City of Driggs posted, mailed, and advertised the Planning & Zoning Commission Public Hearings in accordance with Idaho Statutes.

FINDINGS OF FACT REGARDING PROJECT'S CONSISTENCY WITH THE APPLICABLE GOALS & OBJECTIVES OF THE CITY OF DRIGGS COMPREHENSIVE PLAN

The Driggs City Council and the Driggs Planning & Zoning Commission found that the rezoning complies with the policies and goals of the City Comprehensive Plan; see the attached Narrative for Zone Change that address the three criteria for changing the zoning designation. The Driggs Comp Plan designates "Airport Land Use" for the property.

The Sweetwater Subdivision was originally platted for lots that could be used for a residence and an aircraft hangar. Use of a portion of the parent lot for a hangar and the northern portion for a residence is not contrary to the City's land use planning. Splitting the parent lots and rezoning portions of them to allow direct access from a hangar to a municipal runway is consistent with the FAA regulations. The FAA limits direct runway access from residences. The required installation of a fence would be the Airport's method of physically separating the residence from the runway. The rezoning meets the FAA requirement by disassociating the residence areas from the airport's restrictive zoning uses.

TETON COUNTY FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The Public Hearings held for the Teton County Board of County Commissioners, the City of Driggs Planning and Zoning Commission, and the Driggs City Council were legally noticed and advertised and the City Council recommended that the zone change be approved.
2. The applicable code, Title 7 – Driggs Area of City Impact Ordinance, was adopted by the Teton County Commissioners and includes the recognition that the City of Driggs Subdivision and Zoning Ordinances are the governing rules. The Official Zoning Map for Driggs and the Area of City Impact are part of the city policies and regulations. The zoning districts that are in the County but within the Area of City Impact are the city zoning districts and they can be amended through a process that involves public hearings held by both the City and County.
3. Having reviewed the application, the Driggs City Council and the Driggs Planning & Zoning Commission found that the request to rezone to M-1 complies with the policies and goals of the City Comprehensive Plan which designated "Airport Land Use" for the property.
4. According to City Council and Driggs Planning & Zoning Commission, the rezoning request is consistent with the zoning standards for the City of Driggs.

BOARD OF COUNTY COMMISSIONERS ACTION:

- A. APPROVE the Winkler Zoning Map Amendment. The findings of facts and all the criteria for approval have been met.
- B. REMAND the rezoning request back to the Driggs City Council for the reconsideration of an issue not previously identified and provide the reasons and justifications for the remand.
- C. CONTINUE consideration of the application to a future Board of County Commissioner Public Hearing with reasons given as to the continuation or need for additional information.

COUNTY PLANNING STAFF RECOMMENDATION:

Action A, Approve the Winkler Zoning Map Amendment.

Having made findings of fact that are contained in this staff report and in the Driggs City Council and Planning & Zoning Commission staff reports and public hearing minutes, I recommend approval of the Winkler Subdivision Zoning Map Amendment for Lots 5B and 6B to be rezoned to M-1.